

# MEMO ENDORSED

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Leonid Falberg, as representative of a class of  
similarly situated persons, and on behalf of The  
Goldman Sachs 401(k) Plan,

Plaintiff,

v.

The Goldman Sachs Group, Inc., The Goldman  
Sachs 401(k) Plan Retirement Committee, and John  
Does 1-20,

Defendants.

Case No. 1:19-cv-09910-ER

**PLAINTIFF'S MOTION FOR  
LEAVE TO FILE CERTAIN  
DOCUMENTS UNDER SEAL**

The application is   x   granted  
\_\_\_\_\_ denied

  
Edgardo Ramos, U.S.D.J.

Dated: 11/10/2021

New York, New York

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

PLEASE TAKE NOTICE that, pursuant to Section 3(ii) of the Court's Individual Practices, Plaintiff Leonid Falberg ("Plaintiff") hereby moves this Court for an order allowing him to file the following materials under seal in connection with his Motion to Compel Production of Documents Designated as Privileged.

1. An unredacted Memorandum of Law in Support of Plaintiff's Motion to Compel Production of Documents Designated as Privileged (which references material designated as "Confidential" by Defendants);<sup>1</sup>
2. An unredacted Declaration of Kai Richter in Support of Plaintiffs' Motion to Compel Production of Documents Designated as Privileged (which references material designated as "Confidential" by Defendants);<sup>2</sup>

<sup>1</sup> Plaintiff intends to publicly file a redacted version of the Memorandum that omits references to material designated as "Confidential" by Defendants.

<sup>2</sup> Plaintiff intends to publicly file a redacted version of the Declaration that omits references to material designated as "Confidential" by Defendants.

3. The following exhibits to the Declaration of Kai Richter that contain material designated as confidential by Defendants pursuant to the Protective Order in his action (ECF No. 48): 1-5, 7-15.

Plaintiff takes no position on whether these materials have been properly designated as confidential by Defendants, and it shall be Defendants' obligation to support this motion as the parties who designated the underlying material "Confidential."

WHEREFORE, subject to Defendants making the necessary showing required by the Court's Standing Order, Plaintiff respectfully requests that this Court enter an order allowing him to file the aforementioned materials under seal in connection with his Motion to Compel Production of Documents Designated as Privileged.

Respectfully Submitted,

Dated: November 9, 2021

**NICHOLS KASTER, PLLP**

s/Kai Richter

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-and-

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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify that on November 9, 2021, a true and correct copy of the foregoing was served by CM/ECF to the parties registered to the Court's CM/ECF system.

Dated: November 9, 2021

s/Kai Richter  
Kai Richter